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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHNNY MELENDEZ CORDOVA,

Defendant and Appellant.

H041975

(Santa Clara County

Super. Ct. No. 185632)

On August 2, 1996, appellant Johnny Melendez Cordova was convicted of possession of a dirk or dagger under former Penal Code section 12020 and sentenced to 25 years to life in prison.¹

On December 17, 2014, appellant filed a petition for writ of habeas corpus seeking resentencing on his conviction pursuant to Proposition 47. In his petition, appellant alleged that Penal Code section 12020, subdivision (a) was “re-classified as a misdemeanor in the new law.” The trial court construed the petition as one for resentencing under Penal Code section 1170.18, subdivisions (a) and (b), and denied the requested relief. The trial court found that appellant “is not eligible for the requested relief because his offense is not one of the theft or drug offenses that would have been a

¹ All future statutory references are to the Penal Code unless otherwise specified.

misdemeanor if the provisions of Prop[osition] 47 were in effect when the offense was committed.” This timely notice of appeal ensued.

On appeal, we appointed counsel to represent appellant in this court. Appointed counsel filed an opening brief pursuant to *People v. Serrano* (2012) 211 Cal.App.4th 496 (*Serrano*), which states the case but raises no specific issues.

Pursuant to *Serrano*, on May 21, 2015, we notified appellant of his right to submit written argument in his own behalf within 30 days. On June 4, 2015, we received a response from appellant informing the court that he does not wish to take up the court’s time and will not be submitting any further response or writs pursuant to Proposition 47. As defendant raises no arguable issues on appeal, we must dismiss the appeal.

DISPOSITION

The appeal is dismissed.

RUSHING, P.J.

WE CONCUR:

ELIA, J.

WALSH, J.*

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* Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.